FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

DISTRICT :

WRIT PETITION NO.8574 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.V.B.Rajure for the Petitioner.

CORAM : S.J.VAZIFDAR, J.
DATED : 8TH JANUARY, 2007

P.C:

The impugned order warrants no interference. The learned Judge had allowed the application for appointment of the D.I.L.R. as the Court Commissioner to visit the suit site and to inspect it. The Commissioner was also directed to prepare a report about the existence of tombs on the suit property, the position of the construction of the Defendants on the suit property and to measure the boundaries of the suit property.

2. The Defendants have denied the existence of the tombs on the suit property. It is their contention that the construction is in the limits of village Anthurni, H. no.556.

3. In the circumstances, it is desirable that the Court Commissioner be appointed, as has been done by the learned Judge. No prejudice can possibly be caused to the Defendants. They claimed to be in possession of the suit property. It is difficult for the Plaintiff in such circumstances to obtain evidence of the position at site.

4. In the circumstances, the Writ Petition is dismissed.